

JUDGE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	NO. CR05-308JLR
)	
Plaintiff,)	ORDER GRANTING AGREED MOTION
)	TO CONTINUE PRETRIAL MOTIONS
v.)	DEADLINE AND TRIAL DATE
)	
YOHANNES N. AMBACHEW,)	
)	
Defendant.)	
_____)	

The Court, having reviewed the records and files herein and considered the stipulation of the government and counsel for defendant, Yohannes Ambachew, makes the following findings and enters the following Order.

1. On August 23, 2005, defendant Yohannes Ambachew was indicted on two counts of possession of cocaine base with intent to distribute. On September 8, 2005, Mr. Ambachew was arraigned.

2. At his arraignment, the Court set a pretrial motions cutoff date for September 29, 2005 and a jury trial date for October 31, 2005. The current speedy trial expiration date is

1 November 17, 2005.

2 3. The defendant and the government have been engaged in settlement discussions.
3 The government has provided discovery in the case and has made some of the physical
4 evidence available for inspection.

5 4. Absent a pretrial settlement, the parties require additional time to fully prepare for
6 trial. In particular, the government needs to obtain a lab analysis of the drugs involved in
7 Count II, and the defense needs to consider retaining an independent lab to examine the drugs
8 in each count.

9 5. The parties have stipulated to the need for additional time for the defense to prepare
10 and to fully explore settlement in the case, which involves serious penalties and mandatory
11 minimum sentences.

12 6. The ends of justice outweigh the best interests of the public and the defendant and
13 speedy trial in this case, under these circumstances. A failure to grant a continuance based
14 upon the parties' need to prepare the matter for trial, in the event settlement negotiations fail,
15 would result in a miscarriage of justice.

16 7. The government and defendant have requested and stipulated to a continuance and
17 defendant Ambachew has signed a written waiver of speedy trial which has been filed with
18 the Court, waiving his right to speedy trial up to and including December 15, 2005.

19 IT IS HEREBY ORDERED that the pretrial motions cutoff date is continued from
20 September 29, 2005 to November 3, 2005.

21 IT IS HEREBY ORDERED that the trial date for defendant is continued from October
22 31, 2005 to December 6, 2005.

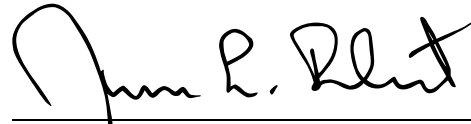
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2 IT IS FURTHER ORDERED that pursuant to 18 U.S.C. § 3161(h), the period of time
3 from the current trial to the new trial date is excluded in the computation of time under the
4 Speedy Trial Act as this is a reasonable period of delay.
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7 Done this 12th day of October, 2005.

8
9 

10 JAMES L. ROBART
11 United States District Judge

12 Presented by:

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